

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHRISTOPHER ELLIS)
Plaintiff,) Case No.: 16 CV 10479
v.)
Chicago Police Officers M. Wagner, Star)
No. 14637, J. Hunt, Star No. 11442, R.)
Youstra, Star No. 12912, E. Hernandez Star)
No. 3664, M. Bilina, Star No. 6269, S.)
Davis, Star No. 2939)
Defendants.) Judge Norgle

DEFENDANTS' MOTION TO DISMISS UNDER RULE 41(b) AND LOCAL RULE 41.1

NOW COME the Defendants WAGNER, HUNT, YOUSTRA, HERNANDEZ, BILINA and DAVIS ("DEFENDANT OFFICERS"), by and through their attorneys, FARHVAR LAW GROUP, PC, and moves this Honorable Court pursuant to Rule 41(b) and Local Rule 41.1 to dismiss this matter for want of prosecution, and in support thereof states as follows:

1. Plaintiff filed a multi-Count Complaint against the DEFENDANT OFFICERS alleging, *inter alia* that he was subject to excessive force and an unlawful seizure on November 10, 2014, while traveling on a public street. The Plaintiff has sued the DEFENDANT OFFICERS under Section 1983 of the Civil Rights Act. (Doc. 1)
2. On April 20, 2017, Plaintiff had a bench trial before the honorable Judge Carol Howard related to multiple charges of aggravated battery against the various DEFENDANT OFFICERS and resisting arrest on the date which is the subject of his lawsuit.
3. Defendant's file a Motion to Dismiss under 12(b)(6) under collateral estoppel and this Court ordered Plaintiff to respond. (Doc. 73)
4. On June 13, 2016, this Honorable Court dismissed Plaintiff's Complaint without prejudice and allowed Plaintiff, pro se, to re-file and Amended Complaint on or before July 12, 2018. (Doc. 52)

5. On June 30, 2018, Plaintiff *pro se*, wrote a letter to the Judge requesting relief and additional time. (Doc. 56)
6. Under Local Rule 41.1, Cases which have been inactive for more than six months may be dismissed for want of prosecution. L.Rule. 41.1
7. Under Federal Rule 41(b), if the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it as part of an involuntary dismissal.
8. To date, nothing has been provided by Plaintiff to overcome the collateral estoppel issue, let alone an Amended Complaint.

WHEREFORE, the Defendants WAGNER, HUNT, YOUSTRA, HERNANDEZ, BILINA and DAVIS ("DEFENDANT OFFICERS") respectfully request this matter be dismissed with prejudice for want of prosecution.

Respectfully submitted,

FARAHVAR LAW GROUP, PC



Paul A. Farahvar, One of the Attorneys for
the Defendants

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